



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/906,365	08/05/97	BHAT	0646/0D205

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NEW YORK NY 10022

HM12/1107

EXAMINER

BASI, N

ART UNIT	PAPER NUMBER
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1646

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DATE MAILED: 11/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/906,365

Applicant(s)
BHAT et al

Examiner
Nirmal. S. Basi

Group Art Unit
1646



☒ Responsive to communication(s) filed on Aug 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 and 24-26 is/are pending in the application.

Of the above, claim(s) 17 and 18 is/are withdrawn from consideration.

☒ Claim(s) 1-3 is/are allowed.

☒ Claim(s) 4-16 and 24-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The request filed on 8/17/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53 (d) based on parent application No. 08/906,365 is accepted and a CPA has been established.

An action on the CPA follows:

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2. *Claim Rejection, 35 U.S.C. 112, Second Paragraph*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 4-16 and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 4, 5, 12 and 13 are indefinite because it is not clear what is "a sequence" is referring to. It is suggested "a sequence" be amended to "the sequence" to overcome the rejection.

Claim 9 is indefinite because it is not clear what "wherein a sequence" is referring to. It is suggested "wherein a sequence" be amended to "wherein the sequence" to overcome the rejection.

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Claim 24 is indefinite because it is not clear what is "an amino acid sequence corresponding to amino acids 1-45 of Figure 4, SEQ ID NO:2" and what "wherein a sequence" is referring to. It is suggested "an amino acid sequence corresponding to amino acids 1-45 of Figure 4, SEQ ID NO:2"

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be amended to "the amino acid sequence consisting of amino acids 1-45 of Figure 4, SEQ ID NO:2" and "wherein a sequence" be amended to "wherein the sequence" to overcome the rejection.

Claim 25 is indefinite because it is not clear what is "a nucleotide sequence corresponding to nucleotides 94-229 of Figure 3, SEQ ID NO:1". It is suggested "a nucleotide sequence corresponding to nucleotides 94-229 of Figure 3, SEQ ID NO:1" be amended to "the nucleotide sequence consisting of nucleotides 94-229 of Figure 3, SEQ ID NO:1" to overcome the rejection.

Claim 26 is indefinite because it is not clear what "comprising a sequence" is referring to. It is suggested "comprising a sequence" be amended to "comprising the sequence" to overcome the rejection.

Claims 6-8, 10-11 and 14-16 are indefinite for depending on an indefinite base claim and fail to resolve the issues raised above.

Claims 1-3 are allowable.

Claims 4-16 and 24-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirmal Basi whose telephone number is (703) 308-9435. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564. The fax phone number for this Group is (703) 308-0294.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Nirmal S. Basi P56
Art Unit 1646
November 6, 2000

Michael D. PAK
MICHAEL PAK
PRIMARY EXAMINER